

;ARTICLE 49

**CENTRAL ARTERY SPECIAL DISTRICT**

(;Article inserted on June 7, 1991\*)

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\*Date of public notice: May 9, 1991 (see St. 1956, c. 665, s. 5).

\*\*As amended through October 24, 2002.

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#### Appendix A - Definitions

**(Editor's Note:** This table of contents is added for the convenience of the user.  
It has not been adopted as part of this Article.)

**SECTION 49-1. Statement of Purpose, Goals, and Objectives.** The purpose of this Article is to establish special zoning regulations implementing the comprehensive plan required by the provisions of the Downtown Interim Planning Overlay District, Article 27D of this code. The goals and objectives of this Article and the Central Artery Special District Plan are to direct downtown development in a way that promotes balanced growth for Boston; to improve environmental quality by directing growth to underutilized areas of the City and avoiding an oversupply of commercial space in the downtown; to protect the residential neighborhoods from encroachment by downtown development; to create affordable housing opportunities for the North End; to create public open space and park resources for the downtown and North End, with links to the waterfront; to promote residential and mixed-use commercial activities compatible with adjacent areas; to promote uses which integrate uses, activities, and physical connections between the North End, downtown, and the waterfront; to provide new and expanded facilities for cultural and community services; to ensure a high quality of design of the open space, cultural, residential, and commercial uses in the Central Artery Special District; to establish design guidelines and standards to be applied by the Boston Redevelopment Authority in reviewing and approving of uses in the Central Artery Special District; to ensure that new development in the Central Artery Special District is compatible with and enhance the unique historic character of each of the surrounding districts and the unique historic sites that contribute to each district; and to create a new surface street and pedestrian network that is compatible with the existing character and conditions within each of the adjacent districts and improves the existing street and pedestrian environment.

**SECTION 49-2. Recognition of the Central Artery Special District Plan.** In accordance with Section 27D-18 of this code, which requires production of comprehensive planning policies, development controls, and design guidelines for the Downtown Interim Planning Overlay District, the Zoning Commission hereby recognizes the document entitled Boston 2000/A Plan for the Central Artery, herein referred to as the "Central Artery Special District Plan," as the general plan for the Central Artery Special District. The Central Artery Special District Plan also serves as the portion of the general plan for the City of Boston applicable to the Central Artery Special District. This Article is an integral part of and one of the means of implementing the Central Artery Special District Plan, the preparation of which is pursuant to Section 70 of Chapter 41 of the General Laws, Section 652 of the Acts of 1960, and Section 3 of Chapter 4 of the Ordinances of 1952.

**SECTION 49-3. Physical Boundaries.** The provisions of this Article are applicable only in the Central Artery Special District. The boundaries of the Central Artery Special District are as shown on "Map 1Xa" and "Map 1Xb," both entitled "Central Artery Special District (Supplemental to 'Map 1, Boston Proper')," of the series of maps entitled "Zoning Districts City of Boston," as amended. Within the Central Artery Special District, there are parcels of land

numbered sequentially 1 through 23N and also including Parcels 1A, 2A, and 11A. Parcel 7 is subdivided into two parcels designated "7W" and "7E"; Parcel 17 is subdivided into two parcels designated "17N" and "17S"; Parcel 18 is subdivided into parcels designated "18N" and "18S"; and Parcel 22 is subdivided into parcels designated "22N" and "22S". It is intended that the parcels identified only by a number correspond to parcels as identified and numbered in the Final Supplemental Environmental Impact Report/Statement (FSEIR/S) regarding the Central Artery (I-93)/Tunnel (I-90) Project, dated November 1990, submitted by the Massachusetts Department of Public Works ("MDPW"). Parcels identified with the suffix "A" are adjacent to parcels in the Central Artery right-of-way as identified by the MDPW and are being planned in coordination with parcels in the right-of-way. The suffix "N", "S", "E", or "W" designates the northerly, southerly, easterly, or westerly portion, respectively, of the parcel identified by the same number without suffix in the FSEIR/S.

Parcel boundaries represent a future condition as proposed as of the effective date of this Article. The precise parcel boundaries will depend on the final alignment of surface roads and ramp structures. Therefore, it is intended that Maps 1Xa and 1Xb be interpreted to accord with the actual alignment of roads and ramps as constructed within the Central Artery Special District. If said alignment differs so substantially from that depicted on Map 1Xa or 1Xb that the numbering scheme set forth in this Article cannot be applied, or if the area of any parcel as constructed differs substantially from that depicted on Map 1Xa or 1Xb, then an amendment to said map or to this Article, or both, may be required.

**SECTION 49-4. Applicability.** This Article, together with the rest of this Code, constitutes the zoning regulation for the Central Artery Special District and applies as specified in Section 4-1 regarding the conformity of buildings and land to this Code. Zoning relief in the form of exceptions from the provisions of this Article pursuant to Article 6A is not available except to the extent expressly provided in this Article or Article 6A. Application of the provisions of Article 27D to the Central Artery Special District is rescinded, and the provisions of the Central Artery Study Area of the Downtown Interim Planning Overlay District are extinguished, as of the effective date of this Article. Where conflicts exist between the provisions of this article and the remainder of the Code, the provisions of this Article shall govern. Except where specifically indicated in this Article, the provisions of this Article supersede Section 8-7 and Articles 11 and 13 through 24 of this Code for the Central Artery Special District.

Notwithstanding the provisions of the foregoing paragraph, the substantive provisions of this Article are premised on the construction of the Central Artery Project generally as described in the FSEIR. Until the substantial commencement of work in connection with such project (excluding test borings or geotechnical or environmental evaluations, but including excavation or utility work) on a given parcel of the Central Artery Special District, such parcel shall be

governed by the zoning regulations in effect for such parcel as of January 1, 1991.

(;As amended on March 19, 1992.)

;SECTION 49-5. **Relationship to Other Districts.** Parcels within the Central Artery Special District shall also be deemed part of adjacent zoning districts for all purposes under this Code, as follows:

1. Bulfinch Triangle District (Article 46): Parcels 1, 1A, 2, 2A, 3.
2. North End Neighborhood District (Article 54): Parcels 4, 5, 6, 8, 10, 11, 11A, 12.
3. Government Center/Markets District (Article 45): Parcels 7W, 7E, 9, 13, 14, 15, 16, 17N, 17S.
4. Financial District (prospective): Parcels 18N, 18S, 19, 21, 22N, and 22S.
5. South Station Economic Development Area (Article 40): Parcel 23N.
6. Fort Point Channel District (prospective): Parcel 20. On Parcel 20: (a) the provisions of Article 27D, Downtown Interim Planning Overlay District shall not apply to any Proposed Project, notwithstanding any contrary provision of said Article 27D; and (b) any Proposed Project for which a license is required pursuant to M.G.L. Chapter 91 and its implementing regulations shall be subject to the Tidelands Regulations of the Harborpark District - North End/Downtown Waterfront, as set forth in Section 42A-5, other than the provisions of subsection 7 of said Section 42A-5 (Provision for Cultural Uses in the Downtown Waterfront Subdistrict).

Parcels identified by the MDPW as numbers 23 (southern portion), 24, 25, 26, 26A are within the Chinatown District, subject to the provisions of Article 43. These parcels are included in the Chinatown Gateway Special Study Area and two Recreation Open Space (OS-RC) Subdistricts.

(;As amended on May 17, 1993 and January 26, 1996.)

**SECTION 49-6. Use and Dimensional Regulations Applicable in the Central Artery Special District.**

1. Within the Central Artery Special District, uses are allowed, conditional, or forbidden on each parcel as set forth in Sections 49-9 through 49-13. No land or Structure in said parcels shall be erected,

used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in the applicable Section as "allowed" or, subject to the provisions of Article 6, "conditional." Any use not identified as allowed or conditional for a particular parcel is forbidden on that parcel.

[Ed. note: Certain text amendments forbidding particular uses are applicable in the Central Artery Special District. See Text Amendment Nos. 202 (container redemption centers), 212 (check cashing business), 238 (airport-related remote parking facility). Certain text amendments have also inserted particular conditional uses in the Central Artery Special District. See Text Amendment Nos. 269 (storage of dumpsters), 272 (telecommunications data distribution center), 275 (pawnshops), 277 (body art establishments).]

2. Within the Central Artery Special District, accessory uses allowed or conditional under Sections 49-9 through 49-13 are not subject to the provisions of Article 10.
3. Within the Central Artery Special District, maximum allowed building height, floor area ratio (FAR), Lot Coverage, and other dimensional controls are applicable to each parcel as set forth in Sections 49-9 through 49-13. Except for building height, Lot Coverage, and FAR, dimensional controls are subject to the provisions of Article 6A.

**;SECTION 49-7. The Application of Design Guidelines Within the Central Artery Special District.** All Proposed Projects within the Central Artery Special District shall be subject to Small Project Review, pursuant to paragraph (a)(i) (Design Review Required by Applicable Zoning) of Section 80E-2.1 (Applicability of Small Project Review: Design Component), except the following Proposed Projects:

- a. Any Proposed Project limited to a change of use which does not involve material erection, demolition, or alteration of any building or structure and which will not alter or affect more than one thousand (1,000) square feet of site area nor more than two hundred (200) square feet of exterior facade area of any existing building.

To be consistent with the design guidelines established in this Article, a Proposed Project shall be generally consistent with the design guidelines set forth with respect to individual parcels in Sections 49-9 through 49-13 and with respect to the Central Artery Special District generally in Section 49-8.

(;As amended on May 9, 1996.)

**SECTION 49-8. Design Guidelines Applicable Generally in the Central Artery Special District.** In order to ensure that the restoration of the surface parcels, Boulevards, and Cross Streets of the Central Artery Special District are of a high-quality design that benefits the City of Boston, the following design guidelines are applicable generally to all Proposed Projects in the Central Artery Special District.

1. Interim Restoration Design Guidelines Applicable Generally in the Central Artery Special District. In order to protect the safety and health of the public, enhance the visual character of the District and adjacent uses, and protect the physical integrity of adjacent parcels and uses during the reconstruction period of the surface Boulevards, Cross Streets, and reuse parcels, the following guidelines are applicable after the completion of work in connection with the Central Artery depressed roadway construction project in a given parcel and prior to the commencement of work on the permanent surface use of said parcel.
  - a. To the extent practicable, such parcels should be landscaped and maintained to permit safe, convenient public access.
  - b. Use of such parcels for parking, for storage of equipment or materials (other than for the Central Artery Project), or for high-intensity uses such as pushcart vending is strongly discouraged.
  - c. During any such interim period, parcels should be graded in conformity with adjacent grades and should be engineered and landscaped so as to prevent the accumulation of water, avoid damage to neighboring foundations of buildings and/or the tunnel structure and its appurtenant structures, and protect public safety and welfare.
2. Consistency With the Central Artery Special District Plan. Any Proposed Project within the Central Artery Special District shall be reviewed, pursuant to Large Project Review or Small Project Review, for consistency with the conceptual design and programming objectives and specific recommendations set forth in the Central Artery Special District Plan, and for consistency with the overall objectives set forth in the Plan for the provision of public open space within the District.
3. Design Particularity and Continuity. The primary design organization for the overall District should recognize that each of the five adjacent districts (Bulfinch Triangle District, North End Neighborhood District, Government Center/Markets District, Financial District, and South

Station Economic Development Area) of the Central Artery Special District has a distinct character that should be reflected in parcel design and Cross Street design. At the same time, it should recognize that the districts are connected by the north/south Boulevards and sidewalks which define the edges of the overall Central Artery project and that the design should provide for continuity among the districts and transitions from one district to the next.

4. Quality Standards for Parks, Open Space, Sidewalks, and Streets. The quality of design and construction for open areas within the Central Artery Special District, including landscaping, paving materials, street furniture, light standards, amusements, and decorative elements, should be consistent with that of the major public and private downtown open spaces of Boston including Christopher Columbus Park, Post Office Square, Copley Square, the public spaces of Faneuil Hall/Quincy Markets and Rowe's Wharf, and the streetscapes of successful pedestrian streets such as Washington Street at Downtown Crossing and Charles Street.
5. Establishing the Boulevards. The design and construction of each Proposed Project should develop and reinforce the character of the northbound and southbound surface Boulevards as tree-lined streets connecting the parcels and subdistricts of the Central Artery and providing a sense of continuity for the District as a whole. These Boulevards will provide new, stronger links to existing and proposed downtown developments. In addition, the Boulevards will reconnect the downtown neighborhoods of Chinatown and the Old West End to the Waterfront and will also create new north/south pedestrian connections between those neighborhoods which do not exist presently.

Trees, evenly spaced approximately twenty-five (25) feet on-center in either single or double rows, sidewalk paving, street furniture, and lighting along the Boulevards should provide the primary organizational design elements for the Boulevards and should be reinforced through the infilling and rehabilitation of buildings along the corridor. Trees should be selected from a variety of tree forms and types suitable for streetscape plantings. Trees should be at least four-inch (4") caliper upon initial planting. Wherever technically feasible, Boulevards and their Cross Streets between Causeway Street and Kneeland Street should be planted on both sides with at least a single row of street trees along each of the sidewalks, unless otherwise specified in the Central Artery Special District Plan or in design review. Each sidewalk and its street crossing of the Boulevards or Cross Streets should be delineated by special paving



materials such as granite or brick pavers, and the crossing should continue the width of the sidewalk which it is extending or connecting.

6. District Open Space Form. Parcels 13 through 17S and Parcels 18N through 22S form two long north/south axes that should be designed to enhance the linear organization down the center of the parcels. The central axis may be a view corridor, a pedestrian or activity area, architectural elements or circulation path within a building, or an overall design concept which visually connects the parcels of the gateway plaza at Dewey Square to Rowe's Wharf/High Street and visually connects Rowe's Wharf/High Street to Christopher Columbus Park/Faneuil Hall. For the neighborhood Parcels 8 and 10 in the North End and Parcel 23S at South Station, an equal effort should be developed to reinforce the diagonal crossing of the parcel as well as the Cross Streets of Hanover Street, North Street, Sudbury Street, Atlantic Avenue, and Beach Street. The internal paths within the North End and South Station parcels may be more flexible than in the Downtown Waterfront and Financial District parks and should, in fact, reinforce the diagonal pedestrian cross-parcel movement.
7. Design Guidelines for Cross Streets. As an integral element of the overall Central Artery Plan, the Cross Streets will serve to reconnect Boston's historic streets to Boston Harbor. The Plan provides for the reconnection of seven historic streets across the Central Artery toward the waterfront. These streets include Traverse Street, Hanover Street, North Street, Atlantic Avenue, Broad Street, Oliver Street and Pearl Street. All these streets except North Street extend the downtown pedestrian and vehicular network across the Artery. North Street provides for only a direct pedestrian connection. Wherever technically feasible, the layout and design of the intersections between the Boulevards and the Cross Streets should be typical right-angle intersections with a pedestrian phase signal and cross walks for each of the four directions except where exit or entry ramps prohibit such a pedestrian crossing. The entire section of Hanover Street, State Street, High Street, and each of the Cross Streets within the waterfront area between State Street and High Street should also be paved with special feature pavement in order to reduce the visual separation between the parcels. The raising of the street grades for Milk Street and India Row should be considered in order to further enhance the connection between the waterfront parcels.
8. Design Guidelines for New Infill Buildings and Boulevard Public Buildings. Any new buildings on Parcels 1, 1A, 2, 2A, 5, 7, 9, 11, and 11A and rooftop additions on Parcel 20, as well as facade renovations, should be designed so that the exterior proportions,

scale, massing, window treatment, materials, colors, and architectural detailing are compatible with the observable architectural character of the existing structures in the adjacent neighborhood. Any new public buildings on Parcels 6, 12, 17N, 19, and 21 should be designed so that their exterior proportions, scale, massing, window, treatment, materials, colors, and detailing establish a unique building design vocabulary that sets these public buildings apart from their surrounding district buildings. These buildings should establish a visual presence along the corridor both day and night through the use and incorporation of lights and transparent glazing.

9. Sidewalk Dimensions for the Boulevards and Cross Streets. Except as otherwise expressly provided in design guidelines for individual parcels, sidewalk width for the Boulevards, the parcels which parallel the Boulevards, the Cross Streets, and the pedestrian crossings shall follow generally the dimensional requirements outlined below.
  - a. The width of the outer Boulevard sidewalks (east side of the northbound Boulevard, west side of the southbound Boulevard) may vary from parcel to parcel because of the existing buildings which face the corridor. However, the minimum dimension generally should not be less than twelve (12) feet unless restricted by existing buildings, and the maximum dimension should not exceed twenty-five (25) feet except as follows:
    - (i) along the northbound Boulevard between Hanover Street and Endicott Street, width should not exceed thirty-five (35) feet.
    - (ii) The sidewalk width should be at least twenty-five (25) feet in front of Marketplace Center, the Long Wharf Marriott Hotel, Rowe's and Foster's Wharfs, and the Federal Reserve Bank building.
    - (iii) A plaza space of approximately forty-five (45) feet in sidewalk width should be developed in front of the Government Center Garage for the entire length of that block.
  - b. The width of the inner Boulevard sidewalks (west side of the northbound Boulevard, east side of the southbound Boulevard) should not be less than seven and one-half (7-1/2) feet nor more than twelve (12) feet, except as follows:
    - (i) On Parcels 19, 21, 22N, and 22S the sidewalk width should not exceed twenty (20) feet.

- c. The sidewalks along the Cross Streets should not exceed fifteen (15) feet in width along the entire Central Artery corridor except as follows:
  - (i) On State Street and the southern sidewalk of Pearl Street, the sidewalk width should not exceed thirty (30) feet.
- d. The width of pedestrian-only crossings which extend adjacent streets or pedestrian pathways across the Central Artery corridor should not exceed thirty (30) feet. These crossings include the following:
  - (i) Salem Street extension
  - (ii) North Street extension, as the southerly portion of Parcel 10
  - (iii) Walk-to-the-Sea extension
  - (iv) Broad Street extension
  - (v) Dewey Square, as the extension of Federal Street

**SECTION 49-9. Regulations Applicable to the Bulfinch Triangle/Central Artery Area.** The purpose of zoning regulations applicable within the Bulfinch Triangle/Central Artery Area is to encourage appropriate residential and commercial development and to restore the traditional urban plan and scale of the Bulfinch Triangle/Central Artery Area. The significant housing development, ground floor retail, and service uses planned for this area will promote a vital residential and mixed-use neighborhood.

The design of any development in the Bulfinch Triangle/Central Artery Area should respond to the residential and service needs of the adjacent community. In addition, the design should consider the historic resources of the adjacent Bulfinch Triangle Area which merit protection and public interpretation. These resources are characterized by the historic brick and masonry structures of four to nine stories with cast iron storefronts; the Causeway/Canal Street area, which traditionally has been a transportation corridor with varying modes including water, train, trolley, and subway; and the historic street grid of the Bulfinch Triangle and pedestrian crossing connections at Traverse Street.

1. Parcel 1

- a. Use Regulations. Allowed uses on Parcel 1 are Transportation Uses, Local Retail/Service Uses, and Office Uses. Residential Uses and parking are conditional on Parcel 1.
- b. Dimensional Regulations. On Parcel 1, the maximum allowed FAR is eight (8) and the maximum allowed building height is one hundred (100) feet. For any building facade greater than eighty (80) feet in height on Causeway Street, a setback of twenty-five (25) feet is required above the height of sixty-five (65) feet.
- c. Design Guidelines. This paragraph establishes design guidelines applicable to any Proposed Project on Parcel 1 subject to Section 49-7.
  - (i) If the northbound access ramp to the Central Artery Tunnel below Parcel 1 ("WCN Ramp") is not constructed, vehicular access to Parcel 1 should be located along (new) Beverly Street. If a bus station is proposed, all vehicular entrances should be located to assure adequate bus queuing inside the station. The bus station exit should be located along New Haverhill Street to provide direct access to the northbound and southbound Boulevards. If a public parking garage is proposed, the entrance and exits should be located close to Traverse Street to provide adequate queuing space along Beverly Street. If, however, the WCN Ramp is constructed, all vehicular access to the site should be from New Haverhill Street.
  - (ii) Retail shops, vending kiosks, and newspaper stands should be incorporated within the ground floor design of the bus station.
  - (iii) A minimum sidewalk width of fifteen (15) feet along New Haverhill Street should be provided. However, fifty percent (50%) of such sidewalk could be incorporated into an arcade structure. For the remaining three sides of the parcel a minimum sidewalk width of ten (10) feet should be provided.

## 2. Parcel 1A

- a. Use Regulations. Allowed uses on Parcel 1A are Local Retail/Service Uses, Office Uses, and bus station and subway access. Residential Uses are conditional on Parcel 1A.
- b. Dimensional Regulations. On Parcel 1A, the maximum allowed FAR is eight (8) and the maximum allowed building height is one hundred (100) feet. For any building facade greater than eighty (80) feet on Causeway Street, a setback of twenty-five (25) feet is required above the height of sixty-five (65) feet. For any building facade greater than thirty-five (35) feet in height on Canal Street, a setback of thirty (30) feet is required above the height of thirty-five (35) feet.
- c. Design Guidelines. This paragraph establishes design guidelines applicable to any Proposed Project on Parcel 1A subject to design review pursuant to Section 49-7.
  - (i) A pedestrian concourse surrounded by retail space should be the objective for the proposed building's ground floor design in order to respond to pedestrians entering and exiting from the underground MBTA station and the ground-level retail uses. Transparent facade treatment along the ground floor generally should be incorporated to provide visual connection between the public sidewalks and the MBTA interior concourse. Lobby and elevators should be accessible directly from the streets surrounding the block to maintain security and privacy for uses not on the ground level.
  - (ii) Any proposed building should preserve the existing sidewalk width along Canal Street. For the remaining three sides, a minimum width sidewalk of ten (10) feet should be established.
  - (iii) Any proposed use and development of this parcel should allow for the extension of Traverse Street along its existing alignment.

## 3. Parcel 2

- a. Use Regulations. Allowed uses on Parcel 2 are Office Uses and Local Retail/Service Uses. Residential Uses are conditional on Parcel 2.

- b. Dimensional Regulations. On Parcel 2, the maximum allowed FAR is eight (8), and the maximum allowed building height is one hundred (100) feet.
- c. Design Guidelines. This paragraph establishes design guidelines applicable to any Proposed Project on Parcel 2 subject to design review pursuant to Section 49-7.
  - (i) Any proposed building on Parcel 2 should limit its service access and/or drop-off on Traverse Street through a one-way loop system to reduce traffic impacts associated with the automobile circulation patterns.
  - (ii) Lobby entry and elevators should be accessed from Traverse Street in order to reinforce, and reduce impacts associated with, the automobile circulation patterns along Traverse and Canal Streets.
  - (iii) Any building on Parcel 2 should continue the street walls of North Washington Street and the extension of New Chardon Street, following the existing massing of the Bulfinch Triangle. A special architectural feature such as a tower form, bay window extension, or other building element in the facade should be incorporated into the design of the corner of North Washington Street and New Chardon Street because it will be highly visible from the tunnel off-ramp.

4. Parcel 2A

- a. Use Regulations. Allowed uses on Parcel 2A are Office Uses, Local Retail/Service Uses, and ancillary structures necessary for operation of the MBTA Green Line and the Central Artery, such as emergency exit facilities. Residential Uses are conditional on Parcel 2A.
- b. Dimensional Regulations. On Parcel 2A, the maximum allowed FAR is eight (8) and the maximum allowed building height is one hundred (100) feet. For any facade greater than thirty-five (35) feet in height on Canal Street, a setback of thirty (30) feet is required above the height of thirty-five (35) feet.
- c. Design Guidelines. This paragraph establishes design guidelines applicable to any Proposed Project in Parcel 2A subject to design review pursuant to Section 49-7.

- (i) The ground floors should be able to accommodate both existing pedestrian-oriented retail uses along Canal Street and the existing MBTA service facility which is located within the parcel.
- (ii) Any proposed building design for this parcel should preserve and incorporate the existing Historic Building on Canal Street and the existing MBTA service facility on the site.
- (iii) Any new building within Parcel 2A should preserve the existing sidewalk width along Canal Street. In addition, the building should continue the existing street wall of New Chardon Street extension.
- (iv) Any development should allow for the extension of Traverse Street along its existing alignment.

5. Parcel 3

- a. Open Space Designation. Parcel 3 is hereby established as an Urban Plaza Open Space (OS-UP) Subdistrict, subject to the provisions of Article 33 applicable to OS-UP Subdistricts in addition to the provisions of this Article. In the event of a conflict between Article 33 and this Article, the provisions of this Article govern.
- b. Use Regulations. Allowed uses on Parcel 3 are those uses allowed in Urban Plaza Open Space Subdistricts pursuant to Section 33-15.
- c. Dimensional Regulations. No buildings are allowed on Parcel 3.
- d. Design Guidelines. This paragraph establishes design guidelines applicable to any Proposed Project on Parcel 3 subject to design review pursuant to Section 49-7:
  - (i) The design of Parcel 3 should reinforce the streetscape plans developed for North Washington Street and the Bulfinch Triangle, as well as the pedestrian connections between the North End and the Bulfinch Triangle along the Traverse Street corridor.
  - (ii) This open space should be enclosed in a manner that is similar to other enclosed open spaces in the North End

with plantings and with an ornamental fence with a maximum height of four (4) feet in order to preserve pedestrian visibility. Low walls and/or dense shrubs may be incorporated with the fence in order to separate the street from the plazas and to reduce the noise from vehicular traffic.

(;As amended on May 9, 1996.)

**;SECTION 49-10. Regulations Applicable to the North End/Central Artery Area.** The purpose of zoning regulations applicable within the North End/Central Artery Area is to permit the construction of a significant amount of family, elderly, and affordable housing. The creation of parks, playgrounds, sports facilities, and passive recreational areas adjacent to the residential community of the North End shall be designed specifically for the benefit of the neighborhood's families and elderly population. The open space should provide a front yard for the community and a buffer between Government Center and the residential area. Community facilities for neighborhood recreational use shall be established, including a community recreational building intended to serve as the center of community activity and meetings.

The design of any development in the North End/Central Artery Area should respond to the open space, residential, and service needs of the adjacent community. In addition, the design should consider the historic resources of the adjacent North End, Fulton-Commercial Street, Blackstone Block, and Faneuil Hall/Markets areas which merit protection and public interpretation. These areas are characterized by some of the earliest and most historically significant buildings in Boston. The North End retains the historic street pattern and street names of Boston's Colonial period and includes Boston's Freedom Trail.

1. Parcel 4

- a. Open Space Designation. Parcel 4 is hereby established as an Urban Plaza Open Space (OS-UP) Subdistrict, subject to the provisions of Article 33 applicable to OS-UP Subdistricts in addition to the provisions of this Article. In the event of a conflict between Article 33 and this Article, the provisions of this Article govern.
- b. Use Regulations. Allowed uses on Parcel 4 are those uses allowed in Urban Plaza Open Space Subdistricts pursuant to Section 33-15.
- c. Dimensional Regulations. No buildings are allowed on Parcel 4.



- d. Design Guidelines. This paragraph establishes design guidelines applicable to any Proposed Project on Parcel 4 subject to design review pursuant to Section 49-7.
  - (i) The design of Parcel 4 should reinforce the streetscape plans developed for North Washington Street and the Bulfinch Triangle, as well as the pedestrian connections between the North End and the Bulfinch Triangle along the Traverse Street corridor.
  - (ii) The open space should be enclosed in a manner that is similar to other enclosed open spaces in the North End, with plantings and an ornamental fence with a maximum height of four (4) feet in order to preserve pedestrian visibility. Low walls and/or dense shrubs may be incorporated with the fence in order to separate the street from the plazas and to reduce the noise from vehicular traffic.

2. Parcel 5

- a. Open Space Designation. Parcel 5 is hereby established as an Urban Plaza Open Space (OS-UP) Subdistrict, subject to the provisions of Article 33 applicable to OS-UP Subdistricts in addition to the provisions of this Article. In the event of a conflict between Article 33 and this Article, the provisions of this Article govern.
- b. Use Regulations. Allowed uses on Parcel 5 are those uses allowed in Urban Plaza Open Space Subdistricts pursuant to Section 33-15. Restaurant Use on Parcel 5 is conditional.
- c. Dimensional Regulations. On Parcel 5, for any Restaurant that is permitted, the maximum allowed FAR is two (2) and the maximum building height is thirty-five (35) feet.
- d. Design Guidelines. This paragraph establishes design guidelines applicable to any Proposed Project on Parcel 5 subject to design review pursuant to Section 49-7:
  - (i) This parcel should be designed for limited neighborhood recreational activities such as tot lots and seating areas.
  - (ii) The design of this parcel should reinforce the streetscape plans developed for North Washington Street as well as

the pedestrian connections between the North End and the Bulfinch Triangle along the Traverse Street corridor.

- (iii) The perimeter of the open space should be enclosed in a manner that is similar to other enclosed open spaces in the North End, with plantings and an ornamental fence with a maximum height of four (4) feet in order to preserve pedestrian visibility. Low walls and/or dense shrubs may be incorporated with the fence in order to separate the street from the plazas and to reduce the noise from vehicular traffic.

### 3. Parcel 6

- a. Open Space Designation. Parcel 6 is hereby established as a Recreation Open Space (OS-RC) Subdistrict, subject to the provisions of Article 33 applicable to OS-RC Subdistricts in addition to the provisions of this Article. In the event of a conflict between Article 33 and this Article, the provisions of this Article govern.
- b. Use Regulations. Allowed uses on Parcel 6 are those uses allowed in Recreation Open Space Subdistricts pursuant to Sections 33-10 and, in addition, Community Uses.
- c. Dimensional Regulations. For a Community Use on Parcel 6, the maximum allowed FAR is four (4), and the maximum allowed building height is fifty-five (55) feet above the top of the ramp structure. There is no Lot Coverage restriction for Parcel 6; Lot Coverage shall be determined through design review.
- d. Design Guidelines. This paragraph establishes design guidelines applicable to any Proposed Project on Parcel 6 subject to design review pursuant to Section 49-7.
  - (1) Any building proposed for Parcel 6 should include Community and Cultural Uses and recreational uses above the access ramps to the Central Artery Tunnel. An open space forecourt and/or paved recreational area which could include outdoor ball courts should be included in the parcel. The urban design of the public building should recognize the significance of Parcel 6 as a critical point of pedestrian connection and transition between the North End, Government Center, and the Bulfinch Triangle. Careful attention should be given to the orientation of the building to each of these neighborhoods.

- (ii) The community facility for recreational and cultural activities proposed for Parcel 6 should be designed to mitigate the visual impact of the tunnel ramps on this parcel. If a building is not built, a series of terraces enclosed by fences and/or walls should be provided to accommodate active recreational uses such as basketball or volleyball courts.
- (iii) The proposed community building's southern facade, facing Parcel 8, should help create a sense of enclosure for North End neighborhood parks (Parcels 8 and 10) and present a facade that conveys the civic character of an important neighborhood facility. The east and west facades located along the two boulevards and the north facade should be designed and organized in response to programmatic and infrastructure demands of the tunnel ramps and should be compatible with the architecture of the adjacent buildings. The design of the north facade should reflect its importance as the gateway portal into the subsurface artery tunnel.
- (iv) Primary pedestrian access to the community facility should be provided at ground level or at a raised plaza located in front of the southern facade. The building should provide an adequate space to serve as an exterior arrival plaza and vehicular drop-off along the southern facade. Additional access points through an above-grade pedestrian bridge which connects to adjacent Parcel 5 and the Government Center Garage area are encouraged and should be located on the northern facade.
- (v) An emergency sidewalk with a minimum width of two and one-half (2-1/2) feet should be constructed along the two Boulevard sides of the structure; a sidewalk approximately fifteen (15) feet wide should be incorporated into the plaza design at the southern end of the building. Because of the proposed ramps, no access is recommended at grade for the north elevation.
- (vi) The service access to Parcel 6 should be designed to be an integral element within the architecture of the building, and not impact the sidewalk or the proposed entry plaza.
- (vii) Views to the Custom House Tower from New Haverhill Street in the Bulfinch Triangle should be preserved.

4. Parcels 8 and 10

- a. Open Space Designation. Parcels 8 and 10 are hereby established as Open Space Subdistricts. Parcel 8 is subject to the provisions of Article 33 applicable to Recreation Open Space (OS-RC) Subdistricts. Parcel 10 is subject to the provisions of Article 33 applicable to Parkland Open Space (OS-P) Subdistricts. In addition, both Parcel 8 and Parcel 10 are subject to the provisions of this Article. In the event of a conflict between Article 33 and this Article, the provisions of this Article govern.
- b. Use Regulations. Allowed uses on Parcel 8 are those uses allowed in Recreation Open Space Subdistricts pursuant to Section 33-10. Allowed uses on Parcel 10 are those uses allowed in Parkland Subdistricts pursuant to Section 33-9. In addition, outdoor Community Uses and cafes are allowed on Parcels 8 and 10.
- c. Dimensional Regulations. On Parcels 8 and 10, the maximum allowed building height is thirty-five (35) feet. The maximum Lot Coverage for Parcel 8 is ten percent (10%). The maximum Lot Coverage for Parcel 10 is five percent (5%). The maximum allowed footprint area for any individual building on Parcel 8 is twelve hundred (1,200) square feet. The maximum allowed footprint area for any individual building on Parcel 10 is six hundred (600) square feet.
- d. Design Guidelines. This paragraph establishes design guidelines applicable to any Proposed Project on Parcels 8 and 10 subject to design review pursuant to Section 49-7.
  - (i) Parcels 8 and 10 should be programmed, designed, and detailed for the primary benefit of the adjacent North End community through the development of a series of spaces which invite both residents and visitors to use the park while clearly delineating a neighborhood presence and oversight of the park. The spaces should vary in scale, design, and character, to allow a diversity of activity areas such as safe spaces for small groups of children to play and a large plaza for the traditional neighborhood festivals. Each parcel may have an individual design and program. However, a common set of design elements should define the outside edges of both parcels and along Hanover

Street in order to integrate the two parcels as one single neighborhood park.

- (ii) Within Parcels 8 and 10 there should be a combination of active and passive recreational activities located to be compatible with and expand the use of any adjacent community facility on Parcel 6. Parcel 10 should contain a generous and open grassy area for informal or passive recreation, screened from the adjacent traffic. A variety of seating areas, small tot lot/play areas and game tables could be located around the outside edge of this primarily lawn open space parcel. The design should be programmed for more passive activities. Parcel 8 should consist of a variety of active play areas for children and adults (e.g., basketball courts, volleyball courts, activities for elders) and should be designed to withstand higher levels of activity. In addition, a large tot lot/play area should be included in a portion of this parcel.
- (iii) The area on either side of Hanover Street in both Parcels 8 and 10 and the Hanover Street right-of-way should be designed as a paved plaza that establishes a formal gateway and festival plaza for the North End, while also extending Hanover Street to reconnect the North End to the Blackstone block and the downtown.
- (iv) An architectural element such as a loggia, a series of pavilions, or an arcade could enclose and define the central space along Hanover Street. Steps or seating should be incorporated within the structure to accommodate the change of grade along Hanover Street. A series of flags or gateway festival banners can further define Hanover Street and plaza area.
- (v) A gate, removable bollards, or other closure device should be located within the parcel boundaries at both ends of Hanover Street where it intersects with the new boulevards in order to allow the closing of the street to vehicular through traffic during weekends or festival events.
- (vi) Each of Parcels 8 and 10 should be designed so that it can be secured in the evening, including gates at each path or sidewalk which enters the parcels, and a fence, wall, or other element enclosing the parcel. The enclosure element will ensure the safety of the parks and play areas

within the parcels and will protect the lawn and planting areas in addition to the play areas. The enclosure element should be ornamental and complementary to the other architectural and landscaping elements of the park.

- (vii) Freestanding pavilions, cafes, or other structures, when specifically allowed pursuant to paragraph (b) of this Subsection 49-10.4, may be located within each of the two park areas in close proximity to the loggia structure at Hanover Street.
- (viii) No structure on Parcel 8 should obstruct the view corridor from Tremont Street to the Old North Church.
- (ix) Plant materials should be arranged to define the various activity areas and outside edges of the parcels, as well as to reinforce the view corridors. The street trees should be planted at the interior edges of the sidewalks and within the fence line as well as along the pedestrian cross-connections such as Salem Street.
- (x) Because of the differences in elevation between the two Boulevards, a series of retaining walls with heights allowing for seating may be located as necessary within the parcels. A slight raise in topography is possible in the central area of Parcel 10 to correspond to the subsurface tunnel box and adjacent roadway elevations.
- (xi) Along each of the northbound and southbound Boulevards, the sidewalk should have a minimum width of seven and one-half (7-1/2) feet. The extensions of North Street and Salem Street sidewalks through the parcels should be aligned along the center line of the view corridors between Faneuil Hall and the Tunnel Authority Building and the Salem Street corridor respectively and should have a minimum width of twenty (20) feet. The Sudbury Street sidewalk on the south side should be a minimum of seven and one-half (7-1/2) feet wide. The sidewalks on both sides of Hanover Street should be a minimum of twenty (20) feet in width and be an integral element of the central plaza associated with Hanover Street gateway plaza.
- (xii) Footpaths within the interior of the parcels should have a maximum width of seven and one-half (7-1/2) feet, except that where the path is adjacent to recreation areas or

seating areas footpaths can exceed the 7-1/2-foot maximum width.

5. Parcels 11 and 11A

- a. Use Regulations. Allowed uses on Parcels 11 and 11A are Residential Uses and Local Retail/Service Uses.
- b. Dimensional Regulations. On Parcels 11 and 11A, the maximum allowed FAR is four (4), and the maximum allowed building height is fifty-five (55) feet. Any building on Parcel 11 or Parcel 11A is subject to the provisions of Section 54-18 (North End Neighborhood District - Roof Structure and Building Height Restrictions).
- c. Design Guidelines. This paragraph establishes design guidelines applicable to any Proposed Project on Parcel 11 or Parcel 11A subject to design review pursuant to Section 49-7.
  - (i) Infill residential buildings on these parcels in the North End should be located at the back edge of the sidewalks and plazas to form an enclosure to the park on Parcels 8 and 10 and to reinforce visually the existing Street Wall of the North End. Where possible, the facades generally should align with the facades of existing adjacent buildings and with buildings on adjacent streets.
  - (ii) Ground-level Local Retail/Service Uses should occupy those areas of any building which abut City sidewalks and streets.
  - (iii) Average sidewalk width along the existing Cross Street and its Boulevard extension between North Street and New Chardon Street should not exceed twenty-five (25) feet.
  - (iv) Any proposed building design for Parcel 11A should incorporate into its design the emergency access ramp which will be located along North Street.
  - (v) No structure on Parcel 11 should obstruct the view corridor from Tremont Street to Old North Church.

6. Parcel 12

- a. Use Regulations. Allowed uses on Parcel 12 are Residential Uses, Community Uses, Cultural Uses, and Local Retail/Service Uses. Allowed uses should accommodate a bus and trolley drop-off and ticketing facility.
- b. Dimensional Regulations. On Parcel 12, the maximum allowed FAR is four (4) and the maximum allowed building height is fifty-five (55) feet. Any building on Parcel 12 is subject to the provisions of Section 54-18 (North End Neighborhood District - Roof Structure and Building Height Restrictions).
- c. Design Guidelines. This paragraph establishes design guidelines applicable to any Proposed Project on Parcel 12 subject to design review pursuant to Section 49-7.
  - (i) Any proposed building for Parcel 12 should allow for a bus and trolley drop-off and ticketing facility as a ground-level use. Other ground-level uses could include Local Retail/Service, Cultural, and Community Uses. Above this facility, an optional mixed-use development of Office, Retail and/or Residential, or Cultural and Community Uses could be provided.
  - (ii) The design and massing of any building on Parcel 12 should be programmed to accommodate and complement the activities of the adjacent North End and Quincy Markets areas and designed to be compatible with the physical character of the adjacent areas.
  - (iii) The proposed massing and facade of the buildings should reinforce the spatial enclosure of the North End neighborhood parks. The southern facade facing the waterfront area should appear to extend the Atlantic Avenue streetwall and further enclose the Waterfront Park. The facades which face the Boulevards should respond to the programmatic and functional requirements of the Boulevards and the ramps and below-grade infrastructure demands, as well as be compatible with the architectural character of the adjacent buildings.
  - (iv) Primary access to any building should be provided at ground level at both the northern and southern ends of the parcel. An above-ground passageway from the Quincy Markets area and into a small structure in Parcel 10 may



be considered if it is appropriate for accommodating high pedestrian flows and relieving potential conflicts with ground-level bus operators. In addition, the view corridors down Commercial Street should be preserved or, if that is impractical, reflected in the massing and/or elevation of the building and not as an actual ground-level opening. The view corridor down Clinton Street to Christopher Columbus Park should be preserved.

- (v) Service access to Parcel 12 should occur at grade from the southbound Boulevard. The access should be designed to mitigate its impact on the street and the pedestrian environment.
- (vi) A maximum sidewalk dimension of fifteen (15) feet should be observed along the north, south, and west sides of the parcel. Along the eastern side where constraints exist, a minimum sidewalk dimension of two and a half (2-1/2) feet should be observed.

(;As amended on May 17, 1993 and May 9, 1996.)

;SECTION 49-11. **Regulations Applicable to the Government Center/Central Artery Area.** The purpose of zoning regulations applicable within the Government Center/Central Artery Area is to promote additional open space and parkland in the downtown, increase cultural and recreational uses for the benefit of residents and visitors in the downtown area, enhance the pedestrian environment of the downtown and waterfront areas, and improve the pedestrian connections to the waterfront and expand opportunities for waterfront-related recreational activities. A winter skating rink and urban gardens and other features such as a sculpture garden, pushcart retail area, and cultural exhibits should provide an opportunity for lively pedestrian activity in the Government Center/Central Artery Area.

The design of any development in the Government Center/Central Artery Area should respond to the open space, residential, and service needs of the adjacent community. In addition, the design should consider the historic resources of the adjacent Government Center/Markets and waterfront area which merit protection and public interpretations. This area is significant as the central commercial space of Boston dating to its earliest period, as well as for its nineteenth-century granite style and early twentieth-century Beaux Arts architecture. Long Wharf of 1710 is a major historic element, with its nineteenth-century Custom House Block and Chart House and historic vista to the Old State House. The Broad Street area has historic significance for its 1805 commercial district plan by Bulfinch and the views down Broad Street toward Rowe's Wharf.

1. Parcel 7W

- a. Use Regulations. Allowed uses on Parcel 7 are parking, Office Uses, Local Retail/Service Uses, and Seasonal and Festival Uses. Uses within Parcel 7 should accommodate subway access and a ventilation structure for the depressed Central Artery.
- b. Dimensional Regulations. On Parcel 7W, the maximum allowed FAR is seven (7), and the maximum allowed building height is eighty (80) feet.
- c. Design Guidelines. The design guidelines for a building on Parcel 7W are incorporated in the Land Disposition Agreement by and between the Boston Redevelopment Authority and the Commonwealth of Massachusetts acting by and through the Department of Public Works, dated December 22, 1988, under the title of Exhibit E, Design Guidelines and Standards. No structure on Parcel 7 should obstruct the view from Tremont Street to Old North Church.

2. Parcel 7E

- a. Open Space Designation. Parcel 7E is hereby established as an Urban Plaza Open Space (OS-UP) Subdistrict, subject to the provisions of Article 33 applicable to OS-UP Subdistricts in addition to the provisions of this Article. In the event of a conflict between Article 33 and this Article, the provisions of this Article govern.
- b. Use Regulations. Allowed uses on Parcel 7E are those uses allowed in Urban Plaza Open Space Subdistricts pursuant to Section 33-15, and in addition, Seasonal and Festival Uses. Cultural Uses and/or Local Retail Service Uses on Parcel 7E are conditional.
- c. Dimensional Regulations. On Parcel 7E the maximum allowed building height is thirty-five (35) feet. Maximum Lot Coverage for Parcel 7E is fifteen percent (15%).
- d. Design Guidelines. This paragraph establishes design guidelines applicable to any Proposed Project on Parcel 7E subject to design review pursuant to Section 49-7.

- (i) The plaza area should be designed to accommodate push-cart vendor activities such as those found on Blackstone Street.
- (ii) The plaza area should be primarily open space with trees planted along the sidewalk edge to enclose the space. The paving design pattern could outline the dimensions of the future pushcart vending areas.
- (iii) The view corridor from Blackstone Street should be extended through Parcel 7E. The Salem Street view corridor should be terminated on Parcel 7E by an architectural element. The architectural element should be located within the parcel inside the sidewalk edges of Hanover Street and the new southbound Boulevard.
- (iv) An open framed structure or a series of vertical supports with lights could be developed as a grid that would further define the pushcart stalls while allowing the vendors to use the vertical supports to support produce stands.

### 3. Parcel 9

- a. Use Regulations. Allowed uses on Parcel 9 are Residential Uses and Local Retail/Service Uses.
- b. Dimensional Regulations. On Parcel 9, the maximum allowed FAR is four (4), and the maximum allowed building height is fifty-five (55) feet. Any building on Parcel 9 is subject to the provisions of Section 16-8, Restricted Roof Structure Districts, applicable to the North End.
- c. Design Guidelines. This paragraph establishes design guidelines applicable to any Proposed Project on Parcel 9 subject to design review pursuant to Section 49-7. In addition, the Boston Redevelopment Authority shall consider the design guidelines set forth in the Government Center Urban Renewal Plan for the historic Blackstone Block.
  - (i) The proposed development should include Ground Level Uses and should extend the Street Wall enclosure of the North End Neighborhood Park (Parcels 8 and 10) while also allowing the Haymarket pushcart/food vendor activities to continue to occur along Blackstone Street.

- (ii) The Street Wall setback of the proposed building facades and massing and heights along the Blackstone Block and on each of the adjacent streets should be consistent with the character of the overall block pattern and architectural scale and massing of the Blackstone Block historic area and the North End.

4. Parcel 13

- a. Open Space Designation. Parcel 13 is hereby established as an Open Space Urban Plaza (OS-UP) Subdistrict, subject to the provisions of Article 33 applicable to OS-UP Subdistricts in addition to the provisions of this Article. In the event of a conflict between Article 33 and this Article, the provisions of this Article govern.
- b. Use Regulations. Allowed uses on Parcel 13 are those uses allowed in Urban Plaza Open Space Subdistricts pursuant to Section 33-15 and, in addition, Seasonal and Festival Uses. Cultural Uses on Parcel 13 are conditional.
- c. Dimensional Regulations. On Parcel 13, for any Cultural Use conditionally granted the maximum allowed building height will be thirty-five (35) feet. The maximum allowed Lot Coverage will be fifteen percent (15%). The maximum allowed footprint area for any individual building will be twelve hundred (1,200) square feet.
- d. Design Guidelines. This paragraph establishes design guidelines applicable to any Proposed Project on Parcel 13 subject to design review pursuant to Section 49-7.
  - (i) Parcel 13 should be a landscaped plaza providing a forecourt to the development proposed on Parcel 12, as well as a major pedestrian connection between the North End and Faneuil Hall area.
  - (ii) The design and tree planting within the parcel should reinforce the Clinton Street view corridor to Christopher Columbus Park.

5. Parcels 14, 15, and 16

- a. Open Space Designation. Parcels 14, 15, and 16 along the waterfront are hereby established as a Recreation Open Space (OS-RC) Subdistrict, subject to the provisions of Article 33

applicable to OS-RC Subdistricts in addition to the provisions of this Article. In the event of a conflict between Article 33 and this Article, the provisions of this Article shall govern.

- b. Use Regulations. Allowed uses on Parcel 14, 15, and 16 are those allowed in Recreation Open Space Subdistricts pursuant to Sections 33-10 and, in addition, Cultural Uses and Cafes, provided that any of the foregoing uses shall be conditional if located within a building any portion of which is within one hundred twenty-five (125) feet of the center line of State Street. Local Retail/Service Uses and Restaurant Uses (except cafes) on Parcels 14, 15, and 16 are conditional.
- c. Dimensional Regulations. For Parcels 14, 15, and 16, the maximum allowed Lot Coverage is fifteen percent (15%), and the maximum allowed building height is thirty-five (35) feet. The maximum number of stories is two (2) above the ground floor. The maximum allowed footprint area for any individual building on Parcels 14 and 15 is twelve hundred (1,200) square feet, provided that within one hundred twenty-five (125) feet of State Street the maximum footprint of any building is twenty-four hundred (2,400) square feet.
- d. Design Guidelines. This paragraph establishes design guidelines applicable to any Proposed Project on Parcels 14, 15, and 16 subject to design review pursuant to Section 49-7.
  - (i) Parcels 14, 15, and 16 should be designed to serve the numbers of Boston residents, workers, and tourists who walk to and along the waterfront. As the prime tourist area in Boston, the parcels should be programmed with a variety of attractions, both recreational and cultural, which should enhance the character of the waterfront, the Markets area, and the Rowe's Wharf area and connect to and reinforce Harbor Walk. A maritime theme reflecting Boston's strong historic connection to the sea should be emphasized in this area.
  - (ii) The design of these open spaces should complement the activities and design features of Christopher Columbus Park, the Quincy Market/Faneuil Hall area, the Broad Street district, and the future Central Wharf development. The spaces within the parcels should vary in scale, character, and activity, yet retain a coherent district design for all three blocks.

- (iii) Special pavers should be used in the cross-Boulevard roadway between State Street and Broad Street to diminish the visual separation between these parcels. These Cross Streets should be raised to the plaza level and bollards or other elements should be located along the sidewalks of the Cross Streets to clearly delineate pedestrian and vehicular areas.
- (iv) In response to the construction constraints of the tunnel box, Parcels 14, 15, and 16 are anticipated to be primarily open, paved surfaces with low planters providing sufficient soil depth for trees to be planted. Planters should be used where necessary to allow street trees to continue the Boulevard planting design. Planters should not be continuous structures or block visibility into the parcels. Wherever possible, planter heights should be established such that their walls may be used as seating elements.
- (v) The principal pedestrian circulation space and activity areas should occur within the central area of the parcels. The central area of the parcels is generally the center two-thirds ( $\frac{2}{3}$ ) of the parcel width. For each of the parcels, the design should incorporate features such as a buffer zone with multiple rows of trees, planters and seating areas, pavilions, loggias, cafes, or other structures allowed in a Recreation Open Space Subdistrict to protect and enclose these centrally located activities and mitigate the surface traffic impacts.
- (vi) Along the northbound and southbound Boulevards the parcel sidewalks should have a minimum width of approximately seven and one-half ( $7\frac{1}{2}$ ) feet of paving. State Street sidewalks should have a minimum width of approximately fifteen (15) feet, while other Cross Streets in this area should have a minimum width of approximately ten (10) feet.
- (vii) In order to reinforce this important historic pedestrian cross-artery connection, a partial Street Wall along the State Street corridor, defined by features such as loggia or other architectural structures allowed under paragraph (b) of this Subsection 49-11.5, should frame both sides of State Street and enclose the activities programmed for Parcels 14 and 15. However, in order to also retain the continuity and visual connection between the Open Space parcels, the height, scale, and massing of any structure

should not block the visual or spatial connections between the parcels. Therefore, at least fifty percent (50%) of the width of the parcel should remain visually open and accessible to pedestrians. Up to sixty-six percent (66%) of the width of the parcel could be a transparent structure, if the remaining width is open.

6. Parcel 17N

- a. Open Space Designation. Parcel 17N is hereby established as an Urban Plaza Open Space (OS-UP) Subdistrict, subject to the provisions of Article 33 applicable to OS-UP Subdistricts in addition to the provisions of this Article. In the event of a conflict between Article 33 and this Article, the provisions of this Article govern.
- b. Use Regulations. Allowed uses on Parcel 17N are those uses allowed in Urban Plaza Open Space Subdistricts pursuant to Section 33-15 and, in addition, Cultural Uses. Local Retail/Service Uses and Restaurant Uses on Parcel 17N are conditional.
- c. Dimensional Regulations. On Parcel 17N, the maximum allowed FAR is two and one-quarter (2.25), and the maximum allowed building height is seventy-five (75) feet. The maximum allowed Lot Coverage is fifty percent (50%).
- d. Design Guidelines. This paragraph establishes design guidelines applicable to any Proposed Project for a Cultural Use on Parcel 17N subject to design review pursuant to Section 49-7. If a Cultural Use is not developed on Parcel 17N, the design guidelines for Parcel 16 apply.
  - (i) Parcel 17N together with Parcel 17S should provide for the extension of the Broad Street pedestrian access and view corridor to the Harbor and should physically link the Broad Street district and the waterfront. If Parcel 17N is developed as open space it should be designed as an integral part of Parcel 17S and should extend the activities programmed for Parcel 16. If a structure is proposed for a Cultural or Community Use, its design should complement the design of any structures on Parcel 12 in order to define or enclose the waterfront park area between Parcels 12 and 17N.

- (ii) Any structure built on Parcel 17N should enclose the urban plaza in front of Rowe's Wharf and the High Street terminus. At the same time, the structure design should allow sufficient open space along the Boulevard edges so that the park space is extended by the Boulevard design and the edges of the parcel.
- (iii) Any building on Parcel 17N should be predominantly transparent and detailed in a manner that it is visually open and easily accessible to the pedestrian. The design of the building and its details should complement the designs of other buildings and architectural elements in the corridor and be expressive of its status as a public structure and feature within the corridor.
- (iv) Public access through the building should reinforce the pedestrian continuity and connection along the corridor and reinforce the design concept of a central axis within the parcels. Servicing of the building should be along either the east or the west side adjacent to the Boulevards and not between parcels.
- (v) Any proposed extension of the building such as an arcade could follow the line of the inside edge of the sidewalk; however, the width of the building should not visually close the sense of connection between the open space parcels of the waterfront and the parcels of the Financial District.

## 7. Parcel 17 South

- a. Open Space Designation. Parcel 17S is hereby established as Urban Plaza Open Space (OS-UP) Subdistrict, subject to the provisions of Article 33 applicable to OS-UP Subdistricts in addition to the provisions of this Article. In the event of a conflict between Article 33 and this Article, the provisions of this Article govern.
- b. Use Regulations. Allowed uses on Parcel 17S are those allowed in an Urban Plaza Open Space Subdistrict pursuant to Section 33-15, and, in addition, Seasonal and Festival Uses, Cultural Uses, and Restaurant Uses.
- c. Dimensional Regulations. On Parcel 17S, the maximum allowed building height is thirty-five (35) feet. Maximum allowed Lot Coverage is fifteen percent (15%). Maximum allowed



building footprint area for any individual building is twelve hundred (1,200) square feet.

d. Design Guidelines.

- (i) Parcel 17S, together with Parcel 18N, is a significant site along the Central Artery corridor because of its location at the terminuses of Broad Street and High Street and its adjacency to a major transportation ferry terminal, Rowe's Wharf. Because of the high number of pedestrians who will be crossing this parcel, a plaza should be developed to reinforce and enhance the quality of the pedestrian experience and the role of these parcels as gateways into the city.
- (ii) Parcels 17S should be developed as a major formal plaza in conjunction with Parcel 18N, fronting and centered on the Rowe's and Foster's Wharf archway. High Street could be paved with special pavers. Bollards could be located along the curb line in a manner that reinforces the visual connection between these two parcels.
- (iii) The view corridors and pedestrian crossings extending from Broad Street and High Street to the Harbor through the arch at Rowe's and Foster's Wharf should be preserved and reinforced through dense rows of trees planted on either side.
- (iv) Small concession pavilions or other structures allowed in Urban Plaza Open Space Subdistricts could reinforce the view corridors and the overall formal design of this plaza. Tables and chairs for seasonal use could be located throughout the formally organized trees, planting areas, and paved areas.
- (v) A major sculptural element and/or water feature should be considered as a focal point on the plaza space within the parcel.

(;As amended on May 9, 1996.)

;SECTION 49-12. **Regulations Applicable to the Financial District/Central Artery Area.** The purpose of zoning regulations applicable within the Financial District/Central Artery Area is to promote additional high-quality open space in the downtown, including a Botanical Garden and urban Arboretum. A Botanical Garden/Conservatory will provide cultural and

educational opportunities for the public as a four-season green oasis to enjoy even in the winter months. An urban Arboretum and garden will establish a major open space area in the downtown to accommodate residents and the thousands of daily workers and visitors to the downtown. A major pedestrian plaza area at Dewey Square will provide a significant entrance for transit commuters and visitors to the downtown.

The design of any development in the Financial District/Central Artery Area should respond to the open space, residential, and service needs of the adjacent community. In addition, the design should consider the historic resources of the adjacent Fort Point Channel, Russia Wharf, and Oliver/Purchase Streets areas which merit protection and public interpretation. Existing historic structures include scattered brick and stone commercial and warehouse buildings of five to seven stories, primarily of the post-1828 fire period; the Fort Point Channel area includes historic granite seawalls and bridges, and historic maritime sites, including Griffin's Wharf, the location of the Boston Tea Party in 1773, and Liverpool Wharf, a nineteenth-century portal of Irish immigration.

1. Parcel 18 North

- a. Open Space Designation. Parcel 18N is hereby established as Urban Plaza Open Space (OS-UP) Subdistrict, subject to the provisions of Article 33 applicable to OS-UP Subdistricts in addition to the provisions of this Article. In the event of a conflict between Article 33 and this Article, the provisions of this Article govern.
- b. Use Regulations. Allowed uses on Parcel 18N are uses allowed in an Urban Plaza Open Space Subdistrict pursuant to Sections 33-15 and, in addition, Seasonal and Festival Uses, Cultural Uses, and Restaurant Uses.
- c. Dimensional Regulations. On Parcel 18N, the maximum allowed FAR shall be determined by the Lot Coverage and height restrictions. The maximum allowed building height is thirty-five (35) feet. Maximum allowed Lot Coverage is fifteen percent (15%). The maximum allowed building footprint area for any individual buildings shall be twelve hundred (1,200) square feet.
- d. Design Guidelines. This paragraph establishes design guidelines applicable to any Proposed Project on Parcel 18N subject to design review pursuant to Section 49-7.
  - (i) Parcel 18N, together with Parcel 17S, represents a significant site along the Central Artery corridor because of

its location at the terminuses of Broad Street and High Street, and its adjacency to a major transportation ferry terminal, Rowe's Wharf. Because of the high number of pedestrians who will be crossing this parcel, a plaza should be developed to reinforce and enhance the quality of the pedestrian experience and the role of these parcels as gateways into the city.

- (ii) Parcels 18N should be developed as a major formal plaza in conjunction with Parcel 17S, fronting and centered on the Rowe's and Foster's Wharf archway. High Street could be paved with special pavers. Bollards could be located along the curb line in a manner that reinforces the visual connection between these two parcels.
- (iii) The view corridors and pedestrian crossings extending from Broad Street and High Street to the Harbor through the arch at Rowe's and Foster's Wharf should be preserved and reinforced through dense rows of trees planted on either side.
- (iv) Small concession pavilions or other structures allowed under paragraph (b) of this Subsection 49-12.1 could reinforce the view corridors and the overall formal design of this plaza. Tables and chairs for seasonal use could be located throughout the formally organized trees, planting areas, and paved areas.
- (v) A major sculptural element and/or water feature should be considered as a focal point on the plaza space within the parcel.

## 2. Parcel 18 South

- a. Open Space Designation. Parcel 18S is hereby established as a Parkland Open Space (OS-P) Subdistrict, subject to the provisions of Article 33 applicable to OS-P Subdistricts in addition to the provisions of this Article. In the event of a conflict between Article 33 and this Article, the provisions of this Article shall govern.
- b. Use Regulations. Allowed uses on Parcel 18S are those uses allowed in a Parkland Open Space Subdistrict pursuant to Section 33-9 and, in addition, Arboretum, Community Uses, and Restaurant Uses.

- c. Dimensional Regulations. On Parcel 18S, maximum allowed Lot Coverage is fifteen percent (15%), and the maximum allowed building height is thirty-five (35) feet. Building height shall be measured from grade unless the building is located on a raised landscaped terrace, in which case the building shall be measured from the terrace. The maximum allowed footprint area for any individual building shall be six thousand (6,000) square feet.
- d. Design Guidelines. This paragraph establishes design guidelines applicable to any Proposed Project on Parcel 18S subject to design review pursuant to Section 49-7.
  - (i) The portions of Parcel 18S which are adjacent to the proposed entry and exit ramps should be designed to minimize their visual impact. The structural covering of the ramps should allow for dense planting of trees and shrubs as well as supporting small pavilions in order to provide sufficient area and flexibility to allow the creation of an urban Arboretum.
  - (ii) In order to create a focal point in the center of the parcel, to draw pedestrians into and through the parcel, and to promote day and evening activities within this parcel on a seasonal, weekday, and weekend basis, a Restaurant and/or Cultural Use should be centrally located and cover a portion of either or both of the ramps within the park.
  - (iii) The topographic changes in the parcel and the tree planting design should not obstruct views from the plazas at either end into the parcel and to any public structure within the parcel.
  - (iv) Topographic changes, stepped walls, berms, and similar land-form elements are encouraged to mitigate the ramps and to reinforce a natural character for the park.
  - (v) Additional lighting should be considered to activate the space in the evenings and to ensure safety.
  - (vi) An urban Arboretum or other landscape feature could be created incorporating a diversity of tree types in order to create a display garden and establish an educational/activity within the corridor or to create a unique landscape element which provides for public gathering and interactions.

3. Parcels 19 and 21

- a. Open Space Designation. Parcels 19 and 21 are hereby established as Urban Plaza Open Space (OS-UP) Subdistricts, subject to the provisions of Article 33 applicable to OS-UP Subdistricts in addition to the provisions of this Article. In the event of a conflict between Article 33 and this Article, the provisions of this Article govern.
- b. Use Regulations. Allowed uses on Parcels 19 and 21 are those uses allowed in Urban Plaza Open Space Subdistricts pursuant to Section 33-15 and, in addition, Botanical Garden/Conservatory, including accessory office, retail, educational, public assembly, Restaurant, and storage uses, and Cultural Uses.
- c. Dimensional Regulations. On Parcels 19 and 21, the maximum allowed FAR is two and one-quarter (2.25) and the maximum allowed building height is seventy-five (75) feet. However, a maximum building height of one hundred twenty-five (125) feet is allowed for a predominantly transparent structure affording views for the pedestrian into the structure for a Botanical Garden/Conservatory or other Cultural Use with an atrium or domed structure.
- d. Design Guidelines. This paragraph establishes design guidelines applicable to any Proposed Project on Parcels 19 and 21 subject to design review pursuant to Section 49-7.
  - (i) Parcels 19 and 21, which are proposed for Cultural and Open Space uses including a Botanical Garden/Conservatory proposed by the Massachusetts Horticultural Society, should be designed as major civic attractions and provide for environmental and educational activities within the corridor.
  - (ii) If a large floor area is required for programmatic reasons, the building should define the street edges along the Boulevard sides of the parcel, yet maintain adequate sidewalks along the Boulevards and plazas at the Cross Streets to ensure the visual and pedestrian continuity along the larger park system. A primary building design element should respond to and extend the pedestrian movement along the center line of the downtown parcels. If access to the center portion of the parcel is not free of

charge to the pedestrians, then pedestrian movement along the Boulevard sidewalk is particularly important. Where a large volume of pedestrian activity is expected to occur in conjunction with the Botanical Garden, a pedestrian bridge connecting Parcels 19 and 21 may be permitted if necessary for safety.

- (iii) The building should be designed as a highly transparent structure except for service entries. The opportunity for views into the Botanical Garden/Conservatory or cultural facility from the exterior pedestrian sidewalks should be maximized. Where transparency is not feasible, walls should include creative surface features to preclude large blank surfaces.
- (iv) If the Botanical Garden/Conservatory facility requires a bus drop-off and service entry within the parcels, such drop-offs should be located in a way that does not diminish the pedestrian access into the building and along the Boulevard. The location of any bus drop-offs for the cultural facility should be from Pearl and/or Congress Streets. The possibility of a bus or service access and drop-off below grade on Parcel 19 should be analyzed.
- (v) An approximately fifteen-foot-wide sidewalk lined with trees should be established at the northbound side of the parcel. An approximately ten-foot-wide sidewalk lined by trees shall be established along the southbound street. An approximately fifteen-foot-wide sidewalk on both sides of Pearl and Congress Streets should be established.

#### 4. Parcel 20

- a. Parcel 20 is hereby established as a Special Study Area. Parcel 20 presently includes an electric substation owned by Boston Edison. The Massachusetts Department of Public Works has proposed this site to accommodate two vent towers for the depressed Central Artery. The MDPW has discussed the possibility of incorporating the vent towers into a large commercial structure. A plan for Parcel 20 shall be prepared which may include proposed new regulations governing use, dimensions, and design. Prior to the adoption of such new regulations, the use and dimensional regulations set forth below shall govern any Proposed Project on Parcel 20 and the issues identified below shall be considered in any Large Project Review for such Proposed Project. The following issues shall

be considered in developing a plan and new regulations for Parcel 20:

- (i) economic viability and reuse of Parcel 20 and the remainder of the Boston Edison site and relationship to other uses in the Financial District and along Fort Point Channel;
  - (ii) effect of any development on the amount and duration of light on the adjacent site for the proposed Botanical Garden/Conservatory;
  - (iii) urban design and historic character of surrounding buildings and uses including the Russia Wharf Block and proposed open space and Cultural Uses on the Central Artery; and
  - (iv) relationship of any proposed structure and uses to Commonwealth and/or private tidelands and to policies and requirements of the Waterways Regulations implementing M.G.L. Chapter 91.
- b. Use Regulations. Allowed uses on Parcel 20 are Local Retail/Service Uses, Office Uses, Cultural Uses, Residential Uses, Hotel Uses, Restaurant Uses, Community Uses, Public Assembly Uses, Public Service Uses, Water Transit Uses, and parking accessory to a Residential Use. Parking accessory to other than Residential Use is conditional on Parcel 20.
- c. Dimensional Regulations. On Parcel 20, the maximum allowed FAR is ten (10) and the maximum allowed building height is one hundred fifty-five (155) feet; provided, however, that if a vent tower for the depressed Central Artery is constructed on Parcel 20, the maximum allowed FAR shall be five (5) and the maximum allowed building height shall be two hundred thirty-five (235) feet for any Proposed Project built in conjunction with, or following, the construction of the vent tower. Additional dimensional requirements, including but not limited to yards, building setbacks and open space, shall be determined for any Proposed Project through Large Project Review.

5. Parcels 22N and 22S (Dewey Square)

- a. Open Space Designation. Parcels 22N and 22S are hereby established an Open Space Subdistricts. Parcel 22N is subject to the provisions of Article 33 applicable to Parkland Open

Space (OS-P) Subdistricts. Parcel 22S is subject to the provisions of Article 33 applicable to Urban Plaza Open Space (OS-UP) Subdistricts. In addition, the provisions of this Article apply. In the event of a conflict between Article 33 and this Article, the provisions of this Article shall govern.

- b. Use Regulations. Allowed uses on Parcels 22N are those uses allowed in Parkland Open Space Subdistricts pursuant to Section 33-9. Allowed Uses on Parcel 22S are those uses allowed in Urban Plaza Open Space Subdistricts pursuant to Section 33-15. In addition, Cultural Uses, Restaurant Uses, and Local Retail/Service Uses are allowed on Parcels 22N and 22S.
- c. Dimensional Regulations. On Parcels 22N and 22S, the maximum allowed footprint area for any building shall be twelve hundred (1,200) square feet. The maximum allowed Lot Coverage is ten percent (10%) for Parcel 22N and fifteen percent (15%) for Parcel 22S. The maximum allowed building height at grade or on a raised landscape terrace shall be thirty-five (35) feet for Parcels 22N and 22S.
- d. Design Guidelines. This paragraph establishes design guidelines applicable to any Proposed Project on Parcel 22N or 22S subject to design review pursuant to Section 49-7.
  - (i) Parcel 22 is conceived as two major spaces: Parcel 22S, a paved urban plaza at Dewey Square, and Parcel 22N, a thematic garden. The Dewey Square plaza should be a minimum of fifteen percent (15%) of the total parcel area. It should be both a gateway/performance plaza and a major pedestrian link which would allow for an unobstructed new and direct access for the high volume of pedestrian traffic from South Station to the Financial District, Downtown Crossing, and Federal Street. The remaining parcel area should be developed as a Thematic Garden and complement both Dewey Square plaza and the Botanical Garden program proposed for Parcels 19 and 21.
  - (ii) The paved plaza should be large enough to incorporate pedestrian uses such as food vending, newspaper, or flower shops. A major piece of public sculpture should be displayed in order to create an identity and a focal point for Dewey Square and activate the space. The location of the sculpture should respond to the main entry of the South Station headhouse.



- (iii) The design for Parcel 22S, which is also known as Dewey Square, should maintain a public character and accessibility to the park; the use of high walls or mounds that obstruct views through the park or parcel from the sidewalks is discouraged. A major view corridor from the South Station headhouse entrance towards Rowe's Wharf and/or the cultural facility proposal for Parcels 19 and/or 21 should be recognized.
- (iv) In order to mitigate the existing/remaining tunnel vent stack and reduce the wind impacts upon the thematic garden, large sculptures, kiosks, and/or pavilions in addition to dense tree plantings should be considered as companions to any vent structure in Dewey Square area.
- (v) The Thematic Garden should be designed to provide a pedestrian experience, as well as a visual experience from the adjacent office towers. A variety of architectural and landscaping elements such as pavilions, sculptural elements, trellises, or low walls with viewing windows to define the edges of the parcel should be integral elements in the design.
- (vi) A pedestrian entry point to the Thematic Garden should be located at Dewey Square. The reconstructed vent structure may be incorporated into the design of one or more of the urban design elements which will surround Dewey Square.

(;As amended on January 26 and May 9, 1996.)

**;SECTION 49-13. Regulations Applicable to the South Station/Central Artery Area.** The purpose of zoning regulations applicable within the South Station/Central Artery Area is to promote open space in the South Station area that provides the opportunity for passive recreational activities for the many transit commuters and visitors that enter Boston through the South Station public transportation node and to improve pedestrian connections between the South Station/Dewey Square area and the Financial District, Leather District and Chinatown.

The design of any development in the South Station/Central Artery Area should respond to the open space, residential, and service needs of the adjacent community. In addition, it should consider the historic resources of the adjacent South Station, Dewey Square, and Leather District areas which merit protection and public interpretation. The South Station Headhouse, listed on the National Register of Historic Places, has been a key element of the city core from the

south. A principal historic urban design would be to redefine Dewey Square and reinforce the connections between its historic structures and those in the Leather District.

1. Parcel 23N

- a. Open Space Designation. Parcel 23N is hereby established as an Urban Plaza Open Space (OS-UP) Subdistrict, subject to the provisions of Article 33 applicable to OS-UP Subdistricts in addition to the provisions of this Article. In the event of a conflict between Article 33 and this Article, the provisions of this Article govern.
- b. Use Regulations. Allowed uses on Parcel 23N are uses allowed in an Urban Plaza Open Space Subdistrict, pursuant to Section 33-15.
- c. Dimensional Regulations. No buildings are allowed on Parcel 23N.
- d. Design Guidelines. This paragraph establishes design guidelines applicable to any Proposed Project on Parcel 23N subject to design review pursuant to Section 49-7.
  - (i) Parcel 23N should be planted with rows of trees and shrubs and/or flowers in a pattern that provides for pedestrian access across the parcel to and from South Station and linearly along the inside edge of the parcel.
  - (ii) Paving should define pedestrian desire lines, and benches and lighting should be provided to accommodate pedestrians.
  - (iii) Special attention should be paid to the design of the Essex Street intersection, and pedestrian islands should be designed to reinforce and extend the pedestrian link between Chinatown and Dewey Square.

(;As amended on May 9, 1996.)

SECTION 49-14. **Regulations.** The Boston Redevelopment Authority may promulgate regulations to administer this Article.

SECTION 49-15. **Severability.** The provisions of this Article are severable, and if any such provision or provisions shall be held invalid by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision of this Article.

SECTION 49-16. **Definitions.** Words and phrases defined in Appendix A to this Article, where capitalized in this Article, have the meanings set forth in said Appendix A.

SECTION 49-17. **Appendix.** The following appendix to this Article is incorporated herein:

Appendix A - Definitions

## APPENDIX A to ARTICLE 49

### Definitions

For the purposes of this Article only, the following words and phrases, when capitalized, have the meanings indicated.

1. "Arboretum", an outdoor facility for the display of a diverse collection of plant materials, including trees, shrubs, and flowers, in a harmonious design, with educational and cultural uses such as a children's demonstration garden and plant display garden, and accessory structures not to exceed six thousand (6,000) square feet each for storage and administration uses associated with such Arboretum.
2. "Botanical Garden/Conservatory", a structured facility for the display of a diverse collection of plant materials from different climate zones around the world; environmental research, educational, and cultural uses associated with such facility; and accessory uses such as office, retail, restaurant and storage uses associated with the facility.
3. "Boulevards", the northbound and southbound pair of one-way streets to be built above the depressed Central Artery from Dewey Square to Causeway Street.
4. "Cafe", an eating establishment with a floor area of less than approximately fifteen hundred (1,500) square feet with table service serving food and drinks to the public for on-premises consumption.
5. "Central Artery Special District", the area defined in Section 49-3.
6. "Central Artery Special District Plan" has the meaning set forth in Section 49-2.
7. "Community Uses", an indoor recreational building including ball courts; gymnasium; play areas; community meeting rooms for educational or craft activities; day care center or social service uses for the local community; exterior play areas including ball courts, tot lots, and seating areas; community health center or clinic or other social service uses; and accessory kitchen uses.
8. "Cross Streets", streets which cross through the Boulevards between parcels.
9. "Cultural Uses", museum, theatre (not including motion picture theatre), music hall or opera house, indoor or outdoor performance space, public art display space, exhibition space for educational or cultural purposes,

## APPENDIX A to ARTICLE 49 (continued)

accessory uses such as office, retail, or restaurant associated with such use.

10. "Historic Building", any building listed in the Boston Landmarks Commission comprehensive survey of Boston as a Category One, Category Two, Category Three, or Category Four building.
11. "Local Retail/Service Uses", limited to stores primarily serving the local retail business needs of the neighborhood; art supply store; grocery store; barber shop; beauty shop; gift shop; shoe repair shop; retail bakery; restaurant; self-service laundry; newsstand; or vending kiosk.
12. "Lot Coverage", the percentage of the Lot Area excluding sidewalks abutting the Boulevards and Cross Streets, covered by the total footprint area of one or more buildings on the Lot.
13. "Office Uses", limited to offices of cultural groups; offices of community service organizations; business or professional offices; real estate, insurance, or other agency or government office; office building; post office; bank (other than drive-in) or similar work space.

(;As amended on July 31, 1997.)

14. "Proposed Project", the substantial demolition, erection, or extension of any structure or part thereof, or the change of use of any structure or land, or the creation of open space uses permitted under Article 49, for which the Applicant is required to obtain a building or use permit.
15. "Residential Uses", limited to multifamily dwelling, lodging or boarding house, temporary housing shelters, and Group Residence Limited. Residential uses include any Affordable dwelling units, including but not limited to Affordable dwelling units which are rental units, condominiums, or limited equity share cooperatives.
16. "Restaurant Uses", restaurant, lunch room, cafeteria, Cafe, or other place for the service or sale of food or beverages to the public for on-premises consumption.
17. "Seasonal and Festival Uses", pushcart vendors; temporarily installed structures such as kiosks, pavilions, farmers' market stands and similar minor structures intended to accommodate pedestrian retail needs,

## APPENDIX A to ARTICLE 49 (continued)

removed from a site on either a daily or a weekly basis; and temporary performance space.

18. "Street Wall", the exterior wall or portion of the exterior wall of a Proposed Project that faces a street on which such Proposed Project is located, and is below the height at which a setback of a wall is required.
19. "Thematic Garden", an outdoor space enclosed by low walls, fences and buildings or other architectural features permitted in the OS-R area which provides a unique cultural and/or recreational activity within the space. Thematic garden could include such specialty uses as: an Asian or Chinese garden, a wind chime garden, demonstration garden, sculpture garden, or other similar activities.
20. "Underlying Zoning", all zoning regulations, with the exception of this Article, which are contained in the code.
21. "Zoning Relief", any zoning variance, exception, conditional use permit, interim planning permit, or zoning map or text change, or any other relief granted by the Zoning Commission or the Board of Appeal.